



**I. STATUTORY BASIS FOR JURISDICTION**

1. Removal of this action is proper under 28 U.S.C. § 1441. The Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332(a) as it is a civil action between citizens of different states in which the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

**A. Diversity of Citizenship**

2. Plaintiff Terrie Hill, Individually, and as Representative of the Estate of Virginia Hill, Deceased, is a resident of the State of Texas.

3. Defendant Texas Heritage Oaks Nursing and Rehabilitation Center, LLC d/b/a Heritage Oaks Nursing and Rehabilitation Center, formed under the laws of the State of Delaware, is a single member LLC with Summit Care LLC as its sole member.

4. Defendant Summit Care LLC, formed under the laws of the State of Delaware, is a single member LLC with Summit Care Corporation as its sole member.

5. Summit Care Corporation is a Delaware corporation with its principal place of business in the State of Pennsylvania.

6. Defendant Skill Healthcare, LLC, formed under the laws of the State of Delaware, is a single member LLC with Genesis Healthcare LLC as its sole member.

7. Defendant Genesis Healthcare LLC, formed under the laws of the State of Delaware, is a single member LLC with Genesis Healthcare, Inc. as its sole member.

8. Defendant Genesis Healthcare, Inc. is a Delaware corporation with its principal place of business in the State of Pennsylvania.

9. Defendants are citizens of Delaware, Pennsylvania and California.

10. None of the Defendants are citizens of Texas. Accordingly, complete diversity exists and removal is proper.

**B. Amount in Controversy**

11. In their pleading, Plaintiffs seek monetary relief over \$1,000,000. The damages alleged in Plaintiffs' Original Petition are well in excess of the \$75,000 minimum jurisdictional limits for removal.

**II. COMMENCEMENT OF THE ACTION**

12. Plaintiffs filed their Original Petition on February 12, 2016, seeking monetary damages based on a healthcare liability/nursing home malpractice claim.

13. Plaintiffs' Original Petition and a summons were served on Texas Heritage Oaks Nursing and Rehabilitation Center LLC and Skilled Healthcare LLC on March 7, 2016, thereby commencing the action against Defendants.

14. Pursuant to 28 U.S.C. § 1446(a), true and accurate copies of all process, pleadings, and orders served upon Defendants, and a copy of all papers filed in the Removed Action, are attached hereto as Exhibit "A." No other process, pleadings, or orders have been filed or served in the Removed Action.

**III. VENUE AND TIMELINESS**

15. The District Court of Lubbock County, Texas, 99th Judicial District Court, the Court in which the Removed Action was pending, is located within the jurisdiction of the United States District Court for the Northern District of Texas, Lubbock Division.

16. Defendants were first served with a copy of Plaintiffs' Original Petition on March 7, 2016. Pursuant to 28 U.S.C. § 1446(b)(1) and (2), removal is timely if it is filed within thirty (30) days after receipt of service of Plaintiffs' Original Petition by Defendant. As a result, this notice of removal is timely.

For the reasons set forth above, the Defendants, TEXAS HERITAGE OAKS NURSING AND REHABILITATION CENTER, LLC D/B/A HERITAGE OAKS NURSING AND REHABILITATION CENTER, SUMMIT CARE LLC, SKILLED HEALTHCARE LLC, GENESIS HEALTHCARE LLC, AND GENESIS HEALTHCARE INC., remove to this Court the above-captioned case from the District Court of Lubbock County, Texas, 99th Judicial District Court, Cause No. 2016-519,411.

Respectfully submitted,

**HOBLIT DARLING RALLS  
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**ATTORNEYS FOR DEFENDANTS  
TEXAS HERITAGE OAKS NURSING  
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LLC D/B/A HERITAGE OAKS  
NURSING AND REHABILITATION  
CENTER, SUMMIT CARE LLC,  
SKILLED HEALTHCARE LLC,  
GENESIS HEALTHCARE LLC, AND  
GENESIS HEALTHCARE INC.**

**CERTIFICATE OF SERVICE**

I hereby certify that on this the 5<sup>th</sup> day of April, 2016, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to each counsel of record listed below. To the extent any such counsel is not registered for such electronic delivery, the foregoing document will be served in accordance with the Federal Rules of Civil Procedure.

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By: /s/ Stephen R. Darling  
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